

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
)	
William D. Goodwin	)	Case Number: 16-41767-399
)	
Debtor)	
	)	Chapter 13
JPMorgan Chase Bank, N.A.)	
	)	Motion to Lift Stay filed by
Movant	)	JPMorgan Chase Bank, N.A.
)	
vs.)	
	)	Millsap & Singer, LLC
William D. Goodwin	)	612 Spirit Drive
	)	St. Louis, MO 63005
Debtor	)	(636) 537-0110
)	
and	)	Hearing Date: October 5, 2016
	)	Hearing Time: 10:00 AM
John V. LaBarge, Jr.	)	Objection Deadline: September 28, 2016
)	
Trustee)	
)	
Respondents)	

**NOTICE OF HEARING AND
MOTION FOR RELIEF FROM AUTOMATIC STAY,
RELIEF FROM CO-DEBTOR STAY, OR
IN THE ALTERNATIVE, TO DISMISS**

WARNING: ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE COURT BY SEPTEMBER 28, 2016 (SEE L.B.R. 9013-1). A COPY MUST BE PROMPTLY SERVED UPON THE UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED PRIOR TO THE HEARING DATE.

THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE BARRY S. SCHERMER, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON U.S.

**COURTHOUSE, 111 SOUTH TENTH STREET, FLOOR 5, NORTH COURTROOM,
ST. LOUIS, MO 63102.**

COMES NOW, JPMorgan Chase Bank, N.A. and for its Motion for Relief from Automatic Stay, Relief from Co-Debtor Stay, or, in the Alternative, to Dismiss states as follows:

1. On March 17, 2016, Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. John V. LaBarge, Jr. is the duly appointed and qualified Trustee in this case.

2. JPMorgan Chase Bank, N.A. is the holder of a secured claim in this proceeding by virtue of one Promissory Note dated July 20, 2005 in the original principal amount of \$200,000.00. A copy of said Note has been electronically attached to this document as Exhibit A and is made a part hereof by this reference.

3. Said Note is secured by a Deed of Trust dated July 20, 2005 and recorded in Book 16711, Page 0745 constituting a lien on real estate owned by the Debtor. Said property being commonly known as 9607 Mill Hill Ln, St Louis, MO 63127; more particularly described as follows:

LOT 2 OF THE ESTATES OF MILL HILL, ACCORDING TO THE PLAT
THEREOF RECORDED IN PLAT BOOK 335 PAGES 74 AND 75 OF THE
ST LOUIS COUNTY RECORDS, ST LOUIS COUNTY, MISSOURI.

A copy of said Deed of Trust, which is recorded in the St. Louis County Recorder of Deeds Office, has been electronically attached to this document as Exhibit B and is made a part hereof by this reference.

4. Movant seeks to enforce said Note and Deed of Trust as by law allowed.

5. This Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) prohibiting, among other things, any act to enforce any lien against the property of the estate and any act to obtain possession of property of the estate.

6. JPMorgan Chase Bank, N.A., services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is lifted/set aside, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, N.A.. Said entity directly or through an agent, has possession of the promissory note. The promissory note is either made payable to said entity or has been duly endorsed.

7. As of June 30, 2016, the approximate principal and interest due on said note is as follows:

Principal	\$192,600.48
Interest	\$3,230.01
Total Principal and Interest	\$195,830.49

8. The Chapter 13 Plan filed by the Debtor calls for treatment of the secured claim with payments being made by the Debtor. Monthly post petition payments are owing and delinquent from March 25, 2016 to the present. The following are the payments that are delinquent as of June 30, 2016:

4 payments @ \$1,943.72	\$7,774.88
Total Arrearages	\$7,774.88

The next payment under the terms of the Note will come due on July 25, 2016 and is in the amount of \$1,943.72. A post-petition payment history has been electronically attached to this document as Exhibit C and is made a part hereof by this reference.

9. The aforesaid realty has depreciated in value while in possession of the Debtor.

10. Good and sufficient cause exists in this case to modify the automatic stay of Section 362 for the reason that:

(a) Post-petition payments to JPMorgan Chase Bank, N.A. have not been paid by the Debtor.

(b) JPMorgan Chase Bank, N.A. does not have adequate protection for its interest in said real estate.

(c) If JPMorgan Chase Bank, N.A. is not permitted to foreclose its security interest in said real estate, it will suffer irreparable injury, loss and damage.

(d) The Chapter 13 plan with respect to JPMorgan Chase Bank, N.A. was not proposed in good faith as required by 11 U.S.C. Section 1325(a)(3) notwithstanding confirmation by the Court.

11. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Counsel for Debtor to the extent provided for under applicable nonbankruptcy law to discuss loss mitigation options including alternatives to foreclosure.

WHEREFORE, Movant prays that this Court terminate the automatic stay and co-debtor stay in regard to the realty in order to permit Movant, or its successors and assigns to proceed with foreclosure on the aforesaid property, to pursue its remedies under state law in connection with the aforesaid Deed of Trust and Note, and to pursue its remedies under state law for possession of said property after foreclosure, to proceed with any foreclosure alternatives and for an order that the relief from the automatic stay is not stayed pursuant to Rule 4001 for fourteen (14) days. In the alternative, Movant prays that this Court dismiss this case for failure to abide by the terms and conditions of the Chapter 13 plan, and for such other relief as is appropriate and just.

Dated August 30, 2016

Respectfully Submitted,
Millsap & Singer, LLC

/s/ William T. Holmes, II

Cynthia M. Woolverton, #47698, #47698MO

William T. Holmes, II, #59759, #59759MO

Benjamin C. Struby, #56711, #56711MO

612 Spirit Drive

St. Louis, MO 63005

Telephone: (636) 537-0110

Facsimile: (636) 537-0067

bkty@msfirm.com

Attorneys for JPMorgan Chase Bank, N.A.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on August 30, 2016, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service within the state of Missouri on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ William T. Holmes, II

Electronic Mail Notice List

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Sean C. Paul

John V. LaBarge, Jr.

Office of the United States Trustee

Manual Notice List

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

William D. Goodwin
9607 Mill Hill Ln
Saint Louis, MO 63127

Sharon L. Goodwin
9607 Mill Hill Ln
Saint Louis, MO 63127

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Trustee)	
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Respondents)	
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SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion for Relief have been electronically attached as Exhibits and are available upon request in their entirety.

- A. Note
- B. Deed of Trust
- C. Post Petition Payment History

Respectfully Submitted,
Millsap & Singer, LLC

/s/ William T. Holmes, II
Cynthia M. Woolverton, #47698, #47698MO
William T. Holmes, II, #59759, #59759MO
Benjamin C. Struby, #56711, #56711MO
612 Spirit Drive

St. Louis, MO 63005
Telephone: (636) 537-0110
Facsimile: (636) 537-0067
bkty@msfirm.com
Attorneys for JPMorgan Chase Bank, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of all documents supporting my Motion for Relief referenced above, including legible copies of all documents evidencing perfection of security interests have been served on the Trustee, Counsel for the Debtor and Co-Debtor(s) on August 30, 2016. Copies of the above documents are available to other parties in interest upon request.

/s/ William T. Holmes, II